

# EXHIBIT 5

SF

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3  
4 In re McCray Richardson, Santana, Wise and Salaam  
Litigation,

5 Case No: 03 Civ. 9685(DAB) (RLE)

6  
7  
8 DATE: April 26, 2013

9 TIME: 10:29 A.M.

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12  
13 CONTINUED VIDEOTAPED DEPOSITION of the Plaintiff,  
14 RAYMOND SANTANA, JR., taken by the Defendants, pursuant to  
15 Notice and to the Federal Rules of Civil Procedure, held at  
16 the offices of the New York City Law Department, 100 Church  
17 Street, New York, New York 10007, before a Notary Public of  
18 the State of New York.

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25  
DIAMOND REPORTING (718) 624-7200 info@diamondreporting.com

323

RAYMOND SANTANA, JR.

1 Q. Okay. And did you get back in the car?

2 A. Yes.

3 Q. And then at that point you drove back into the  
4 park?

5 A. Yes.

6 Q. All right. Do you know how long the drive was  
7 from 100th and Columbus back to where the other crime scene  
8 was?

9 A. No, I don't.

10 Q. When you got there, did you have any  
11 conversations with Detective Sheehan or the  
12 African-American detective in the car?

13 A. No, I don't remember if there was a conversation.

14 Q. Did they tell you that they wanted you to get out  
15 of the car and identify the crime scene?

16 A. I don't remember if they did.

17 Q. When you got out of the car, what happened then?

18 A. I remember us walking to this hill and Linda  
19 Fairstein was there, she was -- she was walking towards us  
20 and -- and they asked me is this where it happened and I  
21 told them no, this isn't where it happened, it happened at  
22 the reservoir and she stated what do you mean it happened,  
23 this is where it happened, this is it right here. I said  
24 no, it didn't happen here, it happened at the reservoir.

25 Q. So, had you ever seen Linda Fairstein before that

RAYMOND SANTANA, JR.

1 time?

2 A. No.

3 Q. Okay. And were you introduced to her when you  
4 arrived at that area?

5 A. I don't remember if I was.

6 Q. Did you speak to her first or did she speak to  
7 you first?

8 A. I think Sheehan was the one that asked me is this  
9 where it happened --

10 Q. Okay. And when --

11 A. And then she spoke to me first because of my  
12 reply.

13 Q. When Sheehan asked you if this is where it  
14 happened, was Linda Fairstein standing next to you?

15 A. She was walking like towards me.

16 Q. How far away was --

17 A. Not too far.

18 Q. Farther than we are right now across the table?

19 A. No, not that far.

20 Q. Okay. So, about a foot?

21 A. No, no, maybe a little bit back.

22 Q. Okay. So, a couple of feet?

23 A. Yeah.

24 Q. All right. And do you think that she heard what  
25 you said?

RAYMOND SANTANA, JR.

1 A. Yes.

2 Q. Okay. And then what were her exact words to you  
3 that she said to you?

4 A. She said what do you mean this isn't -- this  
5 isn't where it happened. This is it right here. This is  
6 where it happened at. And I said no, it happened at the  
7 reservoir.

8 Q. And then what happened?

9 A. And then after that she told Mike Sheehan get him  
10 out of here.

11 Q. Did she raise her voice when she said that?

12 A. Yes, she did.

13 Q. And then what happened?

14 A. And then after that I got in -- they put me back  
15 in the car and we left.

16 Q. Did you say anything in response to her when she  
17 said what do you mean this is not where it happened?

18 A. I just told you the whole dialogue. She said  
19 what do you mean this is where it happened, this is the  
20 scene and I said no, it happened at the reservoir.

21 Q. I guess what I'm saying, then, did you ever tell  
22 her at that time that you're right, it did happen at 102nd  
23 Street?

24 A. No, I did not.

25 Q. Now, once you got back in the car, did you drive